IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.323 OF 2005
IN
APPEAL FROM ORDER NO.196 OF 2005

East India Transport Agency & ors. ... Applicants.
Versus.
The Trustees of the Port of Bombay
and others. ... Respondents.

Shri Santosh Shetty i/by Shri M.M.Vashi for the Applicant.

Ms.H.J.Shah i/by M/s.Mulla & Mulla C.B.C. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 2nd March, 2005.

P.C.:

1. Heard the learned Counsel for the parties. The undertaking of the Director of the 11th Appellant-company is tendered by the learned Counsel appearing for the Appellants. A true copy of the Resolution passed by the Board of Directors of the 11th Appellant-company authorising the said Director to act on behalf of the 11th Appellant-company is also annexed to the said Undertaking. While disposing of the Appeal from Order, the undertaking of the competent Director of the 11th Appellant was not produced. The said undertaking is in conformity with the statement made by the Advocate for the Appellant which has been recorded in Order dated 10th February 2005. The Undertaking is accepted and marked as "XY" for identification. This

Application is opposed by the Respondents.

2. Considering the fact that the Undertaking is given to vacate the premises in possession of the 11th Appellant-company on or before 1st June 2005, notwithstanding the dismissal of the Appeal, the Decree shall not be executed in respect of the premises in possession of the 11th Appellant-company till 1st June, 2005.

3. Civil Application stands disposed of.

4. Parties to act on an authenticated copy of this order.

Judge.